

that of social progress; his political moderation and temperament present an outstanding example of how to work within the constitutional system to effect positive change. I extend my condolences to his family.

I ask that a New York Times article on the landmark remapping case be printed in the RECORD.

The article follows:

[From the New York Times]

CHARLES GOMILLION, 95, FIGURE IN LANDMARK REMAP CASE, DIES

(By Robert McG. Thomas, Jr.)

Charles G. Gomillion, who led the fight that brought political power to the black majority in Tuskegee, Ala., with the assistance of a landmark Supreme Court case that bears his name, died on Oct. 4 at a hospital in Montgomery, Ala. He was 95 and until his recent return to Tuskegee had lived the last 25 years in Washington and Roebling, N.J.

Mr. Gomillion, a native of Edgefield, S.C., had a long and distinguished career as a sociology professor and dean at Tuskegee University, but it was his role as a civic leader that made Charles Goode Gomillion a footnote to constitutional legal history in 1960.

As the president of the Tuskegee Civic Association, an organization he had helped found in 1941, he was the lead plaintiff in a suit that successfully challenged a blatant act of gerrymandering designed to exclude all but a handful of black voters from municipal elections.

Alarmed by a voter registration drive led by Mr. Gomillion's organization, the Alabama Legislature redrew the town's boundaries in 1957, leaving Tuskegee University and all but a handful of black families outside the city limits.

What had been a perfect square was now a 28-sided figure that some likened to a snake and others to a sea dragon. Whatever the trope, the lines had been so skillfully drawn that although as many as 12 black voters remained inside a city that once had 5,400 black residents, not a single one of the city's 1,310 white residents had been excluded.

Mr. Gomillion and 11 other association members filed Federal suit seeking to bar Mayor Philip M. Lightfoot and other city officials from enforcing the state statute on the ground that it was a transparent effort to circumvent the 15th Amendment's voting guarantees. Two lower courts, citing a 1946 Supreme Court opinion by Justice Felix Frankfurter, ruled that such state action was beyond judicial review.

When the case, *Gomillion v. Lightfoot*, came before the Supreme Court in 1960, Justice Frankfurter, describing the new configuration as "an uncouth 28-sided figure," found otherwise and so did all eight of his colleagues.

Deftly distinguishing *Gomillion*, from the 1946 case, which involved Congressional districts of unequal population in Illinois, Justice Frankfurter said the Tuskegee case involved "affirmative action" by legislature that "singled out a readily isolated segment of a racial minority for special discriminatory treatment."

He and seven other justices said that a statute that had the effect of disenfranchising black voters would be a violation of the 15th Amendment. Justice Charles E. Whittaker, suggesting that there would be no disenfranchisement since the excluded former Tuskegee residents could vote in county elections said it would instead be a violation of the 14th Amendment.

The case was sent back to District Court and the next year Judge Frank M. Johnson Jr. declared the statute was indeed unconstitutional.

The former city limits were restored and within years the black majority has taken over both the city and county governments, much to the consternation of Mr. Gomillion, who served for a while on the school board.

A soft-spoken moderate who had worked quietly to enlist the support of liberal-minded white allies in Tuskegee, he was dismayed when a plan to integrate local schools was sabotaged by Gov. George C. Wallace. The Governor ordered the schools closed, creating such rancor that white residents created a private school, black radicals swept Mr. Gomillion and other moderates aside and in turn white families fled. Today, only a handful of white families remain in Tuskegee.

As his dream of a truly integrated community, with black and white leaders working together for the common good, died, Mr. Gomillion, who retired from Tuskegee in 1970, left, too.

Although his moderate approach was rejected by a majority of the black voters, at least one of the former radicals now regrets it.

"The man was right," Otis Pinkard said yesterday, recalling that he had once led the faction that opposed the Gomillion approach. "We should not have run all the white families out of town."

Mr. Gomillion is survived by a daughter, Gwendolyn Chaires of Roebling; three grandchildren; three great-grandchildren, and one great-great-grandchild. •

ON THE RETIREMENT OF LAUREN F. OTIS

• Mr. MOYNIHAN. Mr. President, I rise today to wish great congratulations to Lauren F. Otis, who retired Thursday, November 30, 1995, after 28 years of dedicated service to the city of New York's department of city planning.

Mr. Otis has been with the department of city planning since 1967, the last 11 as chief urban designer. In this capacity, he has acted as a consultant to the chairman and the city planning commission on a variety of urban matters while developing comprehensive studies of the five boroughs of New York City as an overall framework for individual projects. Prior to becoming the chief urban designer, Mr. Otis was a key member of a team of architectural professionals who developed new zoning and regulatory approaches for the development of Midtown Manhattan and the Wall Street area. Some of his individual urban design highlights include Times Square, the Citicorp Center and the Sliver Building zoning amendment.

A graduate of Harvard College and Harvard University School of Design, Mr. Otis served in the U.S. Navy Civil Engineer Corps from 1955-58 before moving to architectural design, working as a staff architect for I.M. Pei & Partners before joining the city of New York.

In addition to Mr. Otis' work in the department of city planning, his patronage of New York City's cultural spirit as mayor's representative to the New York City Art Commission between 1982 and 1992, the last 7 years as vice president, and as a representative to the New York City Historic Properties Fund deserves recognition.

Mr. President, I hope my colleagues will join me in wishing him the best of luck in his much deserved retirement. •

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

SOCIAL SECURITY DISABILITY WAITING PERIOD

• Ms. MIKULSKI. Mr. President, I rise today to make my colleagues aware of a very unfortunate situation involving Social Security disability benefits.

In our law, there is a 6-month waiting period before a Social Security disability applicant can receive payments. If a person is diagnosed with a deadly disease, and is eligible to receive Social Security disability, that person must wait 6 months before the payments arrive. This waiting period often comes at a time in a person's life when treatment must begin immediately. Many of these people simply cannot afford to wait. Far too often, the results of this forced waiting period are financial devastation for families.

One of my Maryland constituents, Mitchell Berman, was stricken by a terrible illness which required full-time care in a nursing home. Mr. Berman and his wife, Marjorie, were forced to sell nearly everything they owned to cover the health care costs. By the time Mr. Berman's payments began to arrive, it was too late; they had spent much of their life's savings. Mr. Berman's disease was not curable, and I am very sorry to say that he has died.

To honor the memory of her husband, Marjorie Berman has started her own crusade to make lawmakers and families aware of the financial effect the waiting period can have. I salute Marjorie Berman for her courage and her steadfast devotion to her husband.

Earlier this year, I encouraged the Senate Finance Committee to explore this issue. In today's political climate, I know that funding for many programs is being cut back and eligibility for some programs is being tightened.

But I encourage my colleagues to take a close look at this issue and ask if the Social Security disability waiting period is serving a useful Government purpose and responding to the needs of people. I also ask my colleagues to listen to the stories of their own constituents who have been affected by this waiting period and have not been able to get the help when they need it. I think my colleagues will find that the waiting period does not serve the needs of people. •

THE PROS KNOW WHY PRISON FAILS

• Mr. SIMON. Mr. President, I would like to draw my colleagues' attention to an op-ed written by Coleman McCarthy in the September 9, 1995, Washington Post.

In discussing prison policies, Mr. McCarthy draws an important distinction between professional and amateur